

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 514

Introduced by Assembly Member Kehoe

February 18, 2003

~~An act to add Section 104.22 to the Streets and Highways Code, relating to state property. An act to add Section 111 to the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as amended, Kehoe. ~~State property: park lease~~ Water meters.

Existing law requires the installation of a water meter as a condition of water service provided pursuant to a connection installed on and after January 1, 1992. Existing law declares that the state goal for measurement of water use is the achievement, on or before January 1, 1992, of the installation of water meters on all new water service connections after that date to systems owned or operated by a water purveyor.

This bill would require certain urban water suppliers that receive water from the Central Valley Project under a water service contract, on or before January 1, 2008, to install water meters on all service connections to residential and nonagricultural commercial buildings constructed prior to January 1, 1992, that are located in their service area.

The bill would require these urban water suppliers, on and after January 1, 2009, but subject to a certain exception, to charge customers for water based on the actual volume of deliveries, as measured by a water meter.

~~Under existing law, the Department of Transportation has possession and control of all property and rights in property acquired for state highway purposes. Existing law requires the department, upon the request of a city, county, or special district, to lease unoccupied, unimproved property that is held for a future highway use and does not have commercial, industrial, or residential use as its most feasible or best use, to the city, county, or special district.~~

~~This bill would authorize the department to lease specified real property to the City of San Diego for a public park under certain terms and conditions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 104.22 is added to the~~
- 2 *SECTION 1. Section 111 is added to the Water Code, to read:*
- 3 *111. (a) Notwithstanding any other provision of law, any*
- 4 *urban water supplier that, as of January 1, 2004, receives water*
- 5 *from the federal Central Valley Project under a water service*
- 6 *contract executed pursuant to Section 485h(c) of Title 43 of the*
- 7 *United States Code with the Bureau of Reclamation of the United*
- 8 *States Department of the Interior shall do both of the following:*
- 9 *(1) On or before January 1, 2008, install water meters on all*
- 10 *service connections to residential and nonagricultural*
- 11 *commercial buildings constructed prior to January 1, 1992,*
- 12 *located within its service area.*
- 13 *(2) Unless a contract that was executed prior to January 1,*
- 14 *2004, provides otherwise, on or after January 1, 2009, charge*
- 15 *customers for water based on the actual volume of deliveries, as*
- 16 *measured by a water meter.*
- 17 *(b) This section, which ensures the ability of specified water*
- 18 *suppliers to meet the water supply needs of their customers,*
- 19 *addresses a subject matter of statewide concern, and it is the intent*
- 20 *of the Legislature that, upon enactment, it supersede and preempt*
- 21 *all enactments of counties, cities, including Charter counties and*

1 cities, and other local public agencies to which subdivision (a)
2 applies.

3 (c) For the purposes of this section, “urban water supplier”
4 shall have the same meaning as set forth in Section 10617 and
5 “water meter” shall have the same meaning as set forth in Section
6 110.

7 ~~Streets and Highways Code, to read:~~

8 ~~104.22. (a) Notwithstanding any other provision of law,~~
9 ~~subject to existing obligations, the department may lease real~~
10 ~~property located between Date Street and the south side of State~~
11 ~~Highway Route 5 between 7th Avenue and 10th Avenue, and~~
12 ~~property located between 10th Avenue and the west side of State~~
13 ~~Highway Route 163 between Date Street and Cedar Street, to the~~
14 ~~City of San Diego for a public park, provided that the lease serves~~
15 ~~a public purpose.~~

16 ~~(b) The lease shall be for one dollar (\$1) per year. At the end~~
17 ~~of the initial five-year period of the lease and every five years~~
18 ~~thereafter, the lease shall be reviewed to ensure compliance by the~~
19 ~~lessee with the original purposes of the agreement and may be~~
20 ~~renewed if appropriate. The lease amount may be paid in advance~~
21 ~~of the term covered in order to reduce the administrative cost~~
22 ~~associated with the payment of the rental fee.~~

23 ~~(c) The lease executed pursuant to this section shall also~~
24 ~~provide for the cost of administering the lease. The administrative~~
25 ~~fee shall not exceed three hundred dollars (\$300) per year, unless~~
26 ~~the director and any affected state agency determine that, because~~
27 ~~of complications in the lease agreement, a higher administrative~~
28 ~~fee is required.~~